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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,613	07/18/2000	Max Donath	U11.12-0137	9301

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EXAMINER

SHAPIRO, LEONID

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/618,613

Applicant(s)

DONATH ET AL

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 6) ☐ Other:

*Election/Restrictions*

1. Applicant's election with traverse of group II, claims 1-15 and 22-49 in Paper No. 8 is acknowledged. In paper No. 10, Applicant elected Species II, claims 16-21. No reason was given for the traversal. The traversal is not found persuasive because:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (I) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (II) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination could exist by itself and be used in a different area, than assisting mobility of a mobile body application. The subcombination has separate utility such as could be used by the sergeant in the operating room or by soldier searching mines in the field.

Because election made to the Group II, this application farther contains claims directed to the following patentably distinct species of the claimed invention.

Species I, as a display comprises a guidance indicator guiding the mobile body in desired location;

Species II, as the display comprises displayed sensed objects, displayed at a perspective approximately equal to a perspective that would be perceived from an operator position at a location of the mobile body by an operator who has visual contact with actual objects corresponding to the displayed sensed objects, wherein the displayed sensed objects are positioned within a field of view of the operator in the operator position, at a location which approximately

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overlies the actual sensed objects in the field of view, wherein the displayed sensed objects are displayed in a forward-looking view of the operator, wherein the mobile body comprises a vehicle and wherein the vehicle travels over a roadway and wherein the displayed sensed objects correspond to transitory objects, not fixed in place during normal operating circumstances of the roadway, wherein transitory objects comprise other vehicles, pedestrians or animals proximate to the roadway.

Species III, as the warning display, warning of an object which the mobile body is approaching;

Species IV, as the warning display warning of a local speed limit with which the mobile body is approaching.

Because inventions I and II are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because election made to the Group II, this application farther contains claims directed to the following patentably distinct species of the claimed invention which are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

- Claims 1, 16-21 are elected. Claims 2-15, 22-48 are non-elected claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al. (US Patent 5,231,379).

Wood et al. teaches the display on mobile body with the conformal, augmented display (See Fig. 1, items 10, 12, 14, 18, in description See Col. 4, Lines 47-63 and Col. 2, Lines 64-68).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al. in view of Lemelson et al. (US Patent No. 6,226,389 B1).

As to claim 16, Wood et al. teaches the display on mobile body wherein the conformal, augmented display, displayed at a perspective approximately equal to a perspective that would be perceived from an operator position at a location of the mobile body by an operator who has visual contact with actual objects corresponding to the displayed objects (See Fig. 1, items 10, 12, 14, 18, in description See Col. 4, Lines 47-63 and Col. 2, Lines 64-68).

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Wood et al. does not teach displaying the sensed objects.

Lemelson et al. teaches a television camera is mounted on a vehicle and scans the roadway ahead of the vehicle as the vehicle travels (See Fig. 1, 2, items 17, 11, 32, in description See Col.5, Lines 21-64). It would have been obvious to one of ordinary skill in the art at the time of invention use sensor or camera as shown by Lemelson et al. in Wood et al apparatus in order to improve safety on the roads.

As to claim 17, Wood et al. teaches the display on mobile body wherein displayed sensed objects are positioned within a field of view of view of operator in the operator position, which approximately overlies the actual objects in the field of view (See Fig. 1, items 10, 12, 14, 18, in description See Col. 4, Lines 47-63 and Col. 2, Lines 64-68).

As to claim 18, Wood et al. teaches the display wherein the displayed object are displayed in a forward-looking view of the operator (See Fig. 1, items 10, 12, 14, 18, in description See Col. 4, Lines 47-63 and Col. 2, Lines 64-68).

As to claim 19-21, Lemelson et al. teaches mobile body comprises a vehicle (See Col. 2, Lines 21-22) travels over a roadway and wherein the displayed sensed objects correspond to transitory objects, such as other vehicles or pedestrians, or animals proximate to the roadway, not fixed in place during normal operating circumstances of the roadway See Fig. 1-2, items 17, 82, in description See Col.2, Lines 19-67).

### *Conclusion*

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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The Bezard et al. (US Patent No. 5,291,338) reference discloses head-down optical device for delivering information to the driver of a motor vehicle.

The Zamojdo et al. (US Patent No. 6,272,431 B1) reference discloses method for displaying a map in a vehicle en-route guidance system.

The Sanci et al. (US Patent No. 4,120,566) reference discloses rearview apparatus for vehicle.

The DeLorme et al. (US Patent No. 5,848,373) reference discloses computer aided map location system.

The Turnbull et al. (US Patent No. 6,166,698) reference discloses rearview mirror with integrated microwave receiver.

The Mauney et al. (US Patent No. 5,214,757) reference discloses interactive automated mapping system.

The Tognazzini (US Patent No. 5,872,526) reference discloses GPS collision avoidance system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 703-305-5661. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 703-305-4938. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Is  
September 17, 2002



BIPIN SHALWALA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600